

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE CATTLE ANTITRUST LITIGATION This document relates to: ALL CASES	Case No. 19-cv-1222 (JRT/HB)
KENNETH PETERSON, et al. Plaintiffs, v. JBS USA FOOD COMPANY HOLDINGS, et al. Defendants.	Case No. 19-cv-1129 (JRT/HB)
IN RE DPP BEEF LITIGATION This document applies to: ALL CASES	Case No. 20-cv-1319 (JRT/HB)
ERBERT & GERBERT'S, INC. Plaintiff, v. JBS USA FOOD COMPANY HOLDINGS, et al., Defendants.	Case No. 20-cv-1414 (JRT/HB)

**DEFENDANTS CARGILL, INCORPORATED AND CARGILL MEAT
SOLUTIONS CORPORATION'S MOTION TO DISMISS**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendants Cargill, Incorporated, and Cargill Meat Solutions Corporation hereby move the

Court for an order dismissing with prejudice the most recently amended complaints in the above-captioned actions:

- The Third Consolidated Amended Class Action Complaint, *In re Cattle Antitrust Litigation*, Case No. 19-cv-1222 (JRT/HB), ECF No. 312;
- The Consumer Indirect Purchaser Plaintiffs' Corrected Third Amended Class Action Complaint, *Peterson, et al., v. JBS S.A., et al.*, Case No. 19-cv-1129 (JRT/HB), ECF No. 256;
- The Direct Purchaser Plaintiffs' Corrected Consolidated Amended Class Action Complaint, *In re DPP Beef Litigation*, Case No. 20-cv-1319 (JRT/HB), ECF No. 158; and
- The Corrected Amended Class Action Complaint, *Erbert & Gerbert's, Inc. v. Cargill, Incorporated, et al.*, Case No. 20-cv-1414 (JRT/HB), ECF No. 125.

The motion is supported by the Memorandum of Law in Support of Cargill, Incorporated and Cargill Meat Solutions Corporation's Motion to Dismiss the Amended Complaints and all of the files, records, and proceedings herein.

Dated: February 18, 2021

/s/ X. Kevin Zhao

X. Kevin Zhao, Reg. No. 0391302
Holley C. M. Horrell, Reg. No. 0399636
Davida S. McGhee, Reg. No. 0400175
GREENE ESPEL PLLP
222 S. Ninth Street, Suite 2200
Minneapolis, MN 55402
Tel.: (612) 373-0830
kzhao@greenespel.com
hhorrell@greenespel.com
dwilliams@greenespel.com

Michael E. Lackey, Jr. (*pro hac vice*)
Nicole Saharsky (*pro hac vice*)
William H. Stallings (*pro hac vice*)
MAYER BROWN LLP
1999 K Street, NW
Washington, DC 20006-1101
Tel.: (202) 263-3338
mlackey@mayerbrown.com
nsaharsky@mayerbrown.com
wstallings@mayerbrown.com

*Counsel for Defendants Cargill,
Incorporated and Cargill Meat Solutions
Corporation*